

## PATENT COOPERATION TREATY

at the  
INTERNATIONAL SEARCHING AUTHORITY

of  
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PCT

REC'D 22 APR 2005

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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year) 14 April 2005 (14-04-2005)

**FOR FURTHER ACTION**  
See paragraph 2 below

Applicant's or agent's file reference  
52922-7

International application No.  
**PCT/CA2004/002102**

International filing date (day/month/year)  
06 December 2004 (06-12-2004)

Priority date (day/month/year)  
21 January 2004 (21-01-2004)

International Patent Classification (IPC) or both national classification and IPC  
IPC: B60D-1/14, B60D-1/18

Applicant  
**SPARKES, VERNON W.**

1. This opinion contains indications relating to the following items :

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Box No. I    | Basis of the opinion  |
| <input type="checkbox"/> Box No. II              | Priority  |
| <input type="checkbox"/> Box No. III             | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/> Box No. IV              | Lack of unity of invention  |
| <input checked="" type="checkbox"/> Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement. |
| <input type="checkbox"/> Box No. VI              | Certain documents cited   |
| <input checked="" type="checkbox"/> Box No. VII  | Certain defects in the international application  |
| <input checked="" type="checkbox"/> Box No. VIII | Certain observations on the international application   |

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/CA  
Canadian Intellectual Property Office  
Place du Portage I, C114 - 1st Floor, Box PCT  
50 Victoria Street  
Gatineau, Quebec K1A 0C9  
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Authorized officer

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With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

[ ] a sequence listing

[ ] table(s) related to the sequence listing

[ ] in written format

[ ] in computer readable form

[ ] contained in the international application as filed.

[ ] filed together with the international application in computer readable form.

[ ] furnished subsequently to this Authority for the purposes of search.

3. [ ] In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statement that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments :

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-13	YES
	Claims NONE	NO
Inventive step (IS)	Claims 4	YES
	Claims 1-3, 5-13	NO
Industrial applicability (IA)	Claims 1-13	YES
	Claims NONE	NO

2. Citations and explanations :

Documents referred to in the following discussion:

- D1: US2002140206 A1 (LLOYD, M. J.) 3 October 2002 (03-10-2002)  
D2: SUPERWINCH®, Copyright 2001-2002 Products / Accessories (Receiver Shackle Bracket - 1559B Class III Receiver Hitch Mount), retrieved on 24-03-2005 from internet URL: <http://www.superwinch.com/products/accessories/index.html>  
D3: FR2043113 A5 (GRUCHOT, V.) 12 February 1971 (12-02-1971)

Novelty:

Claims 1-13 comply with PCT Article 33(2). No single document teaches a hitch assembly comprising a coupling tongue, a coupling pin, a hitch pin, a U-shaped clevis having a substantially flat cross section pivotally coupled to the coupling tongue, and an opening formed by the coupling tongue and the clevis, sized to receive a towing member.

Inventive Step:

Claims 1-3 and 5-13 DO NOT comply with PCT Article 33(3). The subject matter of these claims would have been obvious on the claim date to a person skilled in the art or science to which it pertains having regard to D1 or D2 in view of D3.

D1 discloses (refer to Fig. 2) a hitch assembly consisting of a coupling tongue (48) with a first end and a second end, further comprising a first aperture sized to engage a couplin pin at the first end, and a second aperture sized to engage a hitch pin at the second end; a D-ring (46) being pivotally coupled to the second end of the coupling tongue (48) with the hitch pin, and an opening formed by the coupling tongue (48) and the D-ring (46), sized to receive a towing member. Moreover, D1 teaches the use of various towing members such as chains or tow-straps and the use of various materials (see page 3, paragraph [0035]).

D2 discloses (refer to the "Receiver Shackle Bracket" picture) a hitch assembly consisting of a coupling tongue with a first end and a second end, further comprising a first aperture sized to engage a couplin pin at the first end, and a second aperture sized to engage a hitch pin at the second end; a shackle being pivotally coupled to the second end of the coupling tongue with the hitch pin, and an opening formed by the coupling tongue and the shackle, sized to receive a towing member.

D1 and D2 both show the main elements recited in claim 1. The subject matter of claim 1 differs from D1 or D2 only in that the D-ring/shackle consists of a U-shaped clevis having a substantially flat cross section. This feature however is taught by D3. D3 teaches (refer to Fig. 2 & 3) a U-shaped clevis (17) with a first end and a second end, that is substantially flat in cross section and that consists of an aperture (18) at the first end and the second end, said U-shaped clevis being pivotally coupled to a coupling member (3) with a pin (19). To select a known towing member connection (U-shaped clevis) as shown in D3 for the hich assembly of D1 or D2 would have been an obvious design variant for one skilled in the art.

(Continued in the Supplemental Box)

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**Box No. VII**      **Certain defects in the international application**

The following defects in the form or contents of the international application have been noted :

**ABSTRACT**

The abstract does not comply with PCT Rule 8.1(d). Each main technical feature mentioned in the abstract and illustrated by a drawing in the international application shall be followed by a reference sign, place between parentheses.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made :

**CLAIMS**

Claim 1 does not comply with PCT Article 6. The expression "and second aperture" (claim 1, line 3) should read "and a second aperture".

**DESCRIPTION**

PCT Rule 11.13(I) requires that reference signs not mentioned in the description shall not appear in the drawings, and vice versa. The description introduces "coupling socket 22" (page 4, line 10) and "axially aligned apertures 30" (page 5, lines 5-6), however, these reference numbers do not appear in the drawings.

Page 6, line 20 of the description contains a typographical error. The description refers to "Figures 9 and 10", however, there is no Figure 10 in the drawings.

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

Continuation of: **Box No. V**

The features defined by dependent claims 2, 3 and 5-13 can be inferred by D1, D3 or general knowledge in the art. For instance, the use of various materials (claims 2 and 7-10) can be inferred by D1. Design elements such as wear plates and aperture linings (claims 3, 5 and 6) are commonly used to reinforce parts against wear and deformation and are therefore considered to be design choices known to one skilled in the art. Similarly, the hitch assembly in combination with a towing belt, to tow a vehicle (claim 11) and the method of towing a vehicle (claim 12) can be inferred by D3 (see Fig. 1). Accordingly, the subject matter of claims 1-3 and 5-13 does not involve an inventive step (Article 33(3) PCT).

Claim 4 complies with PCT Article 33(3). Claim 4 is considered to involve an inventive step since, having regard to the prior art, it is not, at the prescribed relevant date, obvious to a person skilled in the art.

Industrial Applicability:

Claims 1-13 have industrial applicability under PCT Article 33(4) because the claimed subject matter can be made or used.